

8/0 [شری شابد صدیقی : سر، سماجواदी والوں کو بھی موقع دیجئے۔۔(مداخلت)۔۔] 1/0  
 श्री यशवंत सिन्हा: क्या अब यह स्टेट के ऊपर डिपेंड करेंगे कि स्टेट से खबर आएगी, तब वे हमको जानकारी देंगे? ...(व्यवधान)...

श्री सभापति: अब छोड़िए। उस समय विचार कर लेंगे, इन सब बातों पर ...(व्यवधान)...123  
 ...(व्यवधान)... बैठ जाइए...(व्यवधान)...कृपा करके बैठ जाइए ...(व्यवधान)... अब यह सब नहीं ...(व्यवधान)...123.

\*122[*The questioner (Shri Brij Bhushan Tiwari) was absent for answer vide page 29*]

### **Notification on Fixed Term Employment Workmen**

\*123. SHRI TAPAN KUMAR SEN: Will the Minister of LABOUR AND EMPLOYMENT be pleased to refer to answer to Starred Question 318 given in the Rajya Sabha on the 13th December 2006 and state:

(a) whether any decision has since been taken by Government to rescind the notification dated 10th December, 2003 regarding Fixed Term Employment Workmen; and

(b) if not, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): (a) and (b) A statement is laid on the Table of the House.

### **Statement**

#### *Notification on Fixed Term Employment Workmen*

(a) and (b) The Government had amended the Industrial Employment (Standing Orders) Central Rules, 1946, to include "Fixed Term Employment Workman" in the Schedule of the Industrial Employment (Standing Orders) Act, 1946, and Model Standing Orders annexed to the Industrial Employment (Standing Orders) Central Rules, 1946, vide Notification GSR No. 936(E) dated 10.12.2003. In July 2004, the above mentioned amendment was reviewed and a draft intention notification dated 30.09.2004 was issued with a view to rescinding the notification dated 10.12.2003 inviting objections/suggestions from all persons likely to be affected.

The matter is still under consideration.

श्री रवि शंकर प्रसाद: सर, मेरे सवाल का जवाब नहीं हुआ। ... (व्यवधान)...

श्रीमती जया बच्चन: आपको मौका देना पड़ेगा। ... (व्यवधान)...

श्री शाहिद सिद्दिकी: यह यू०पी० का सवाल है। इसलिए इस पर यू०पी० वालों को मौका मिलना चाहिए। ... (व्यवधान)...

شری شاہد صدیقی : یہ یوپی کا سوال ہے اس لئے اس پر یوپی والوں کو موقع ملنا چاہیے۔ (مداخلت)۔

श्री सभापति: क्वेश्चन पर चर्चा होगी। ... (व्यवधान) ... मेरी बात सुन लीजिए एक मिनट। इसके ऊपर चर्चा कराऊंगा, तब आप लोग बोलना। ... (व्यवधान) ... अमर सिंह जी, अब यह ठीक नहीं होगा।

SHRIMATI JAYA BACHCHAN: Sir, this is not fair ... (Interruptions) ... आपको मौका देना पड़ेगा। ... (व्यवधान)...

श्री यशवंत सिन्हा: ये गलत बयानी करेंगे हाउस में। ... (व्यवधान)...

श्री सभापति: अब ये गलत बयानी करें या नहीं करें, वह दूसरी बात है। ... (व्यवधान)...

SHRIMATI JAYA BACHCHAN: I think that we are doing. ... (Interruptions)...

श्री अमर सिंह: यह उत्तर प्रदेश का सवाल था। ... (व्यवधान)...

श्री सभापति: मैंने दूसरा क्वेश्चन ले लिया है - 123, माननीय सदस्य, जवाब नहीं आएगा। आप जबर्दस्ती लेना चाहते हैं तो ... (व्यवधान) ... मैंने दूसरा क्वेश्चन ले लिया है, मैं अलाउ नहीं करूंगा। ... (व्यवधान) ... मैं अलाउ नहीं करूंगा क्वेश्चन - 123 के अलावा। ... (व्यवधान)...

SHRI TAPAN KUAMR SEN: Sir, I may be allowed to put my supplementary question. ... (Interruptions)...

SHRIMATI JAYA BACHCHAN:\*

SHRI TAPAN KUMAR SEN: Sir, I want your protection. The notification was made long back to banish the concept of permanent employment from the workplaces. And, this notification was made in 2003 and all concerned, all trade union cutting across affiliations, had opposed it. And, thereafter, in this House, the then Labour Minister committed that in due consideration of the impact of the earlier notification on Fixed Term Employment, that would be rescinded. Accordingly, in December 2004, an intention notification was issued. But, till now no action has been taken on it. Whenever question was put- as the Question No. 318

\*Not recorded.

[7 March, 2007]

RAJYA SABHA

referred to in this question we were assured that the matter was begin consulted with stakeholders and it goes on without any action. Let me say that from 2004 to 2007, at least, four times, the tripartite meeting has taken place. Last of it took place on 22nd December, 2006. And, again, all the trade unions, cutting across affiliations, demanded implementation of the commitment made by the then Labour Minister in this House in July, 2004. My question is as to how long we have to wait to get the announcement made by the then Labour Minister in this House of the same Government implemented.

SHRI OSCAR FERNANDES: Sir, it was our effort to have consensus on the issue and we had three rounds of discussion and the latest one was on 22nd December, 2006, wherein there was no consensus on the issue. However, Sir, at personal level. I have been holding discussion with all the stakeholders and almost we have come to a conclusion; and I am sure within a few days, we will be able to announce that issue.

SHRI TAPAN KUAMR SEN: Sir, the question of so-called consensus is quite deceptive. When notification was issued by the previous Government in 2003, there was no consensus. When the intention notification was issued by the UPA Government, thereafter, at least, there have been four rounds of consultation, but there was no consensus. Despite that, the announcement was made by the then Labour Minister in this House. How long can we go on running after this illusionary consensus where consensus is not possible and what the Government has already committed to rescind this disastrous notification which aims at banishing permanent employment from all the workplaces in the country?

SHRI OSCAR FERNANDES: Sir, I have already answered this question. We have finished the discussion. We are almost reaching the finality and I will come back to the House soon.

SHRIMATI S.G. INDIRA: Sir, in reply to part (b) of the question, the hon. Minister has stated that in order to improve the living conditions of the rural poor in the rural areas, the Ministry is taking so many steps. A mention has been made with regard to the Self-Help Groups where the approach of the Government is to encourage them to take up the economic activity by providing them assistance. Sir, as far as the budgetary allocation for the development of Self-Help Groups is concerned, it is very limited and restricted. Has the Ministry of Labour taken any steps in that regard? Sir, it is also a fact that the wages given to the labour are not equal in all States, and, in some of the States, there is

exploitation of the labour. I would also like to know whether the Minister is going to increase the number of days of employment.

SHRI OSCAR FERNANDES: Sir, it does not emanate from this question. It pertains to the Ministry of Rural Development. I think this question will have to be directed to them.

SHRIMATI S.G. INDIRA: But you have mentioned in your answer regarding the Self-Help Groups and everything.

SHRI OSCAR FERNANDES: That is not this question. It is a separate question. I am sorry; I am on Question No. 123.

श्री स्दनारायण पाणि: धन्यवाद सभापति महोदय। काफी दिनों के बाद यह देश का सौभाग्य है कि सत्ता के केन्द्र के नजदीकी, एक महान राजनेता देश के श्रम मंत्री बने हैं। सभापति महोदय, मेरा सीधा सवाल है कि देश में लाखों आंगनवाड़ी कर्मों बड़े दुख में जीवन-यापन कर रहे हैं। क्या आंगनवाड़ी कर्मियों को वर्कमैन का स्टेटस दिया जाएगा?

SHRI OSCAR FERNANDES: Sir, there have been various representations regarding this. The basic understanding was that it was not a regular employment but it has been brought out in such a way that they need to be employed throughout the day; they may be given more work. We did have several rounds of discussions informally. It does not come directly under my Ministry but I may tell the Member that we can take it forward in a way that they get some better remuneration.

SHRI K. MALAISAMY: Sir, we come across a number of violations against standing orders and notifications. Whenever any aggrieved party comes and reports to the authority, they take cognizance. This is the order of the day. I am interested to know whether the Government has got any mechanism wherein without any complaint being filed by anybody, *suo moto*, they can take cognizance and action thereupon against such violations of the standing orders and notifications.

SHRI OSCAR FERNANDES: Sir, there are two areas. One is under the purview of the Government of India and the other is under the State Governments. Most of the cases come under the State Governments. Wherever issues pertaining to any State are brought up to our notice, we take it up with the State Labour Ministers. We had a meeting with the State Labour Ministers about the implementation of the law itself. Whichever is under the purview of the Government of India, we take immediate action, and, I assure the hon. Member that we are having a Labour Conference at the national level and these issues will definitely be discussed there.